

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1174

DINH TRAN,

Plaintiff - Appellant,

v.

COTY INC.,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:10-cv-00431-H; 5:11-cv-00114-H)

Submitted: April 26, 2012

Decided: May 1, 2012

Before GREGORY, AGEE, and WYNN, Circuit Judges.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Dinh Tran, Appellant Pro Se. Kevin Scott Joyner, OGLETREE, DEAKINS, NASH, SMOAK & STEWART, PC, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dinh Tran seeks to appeal the district court's orders dismissing his complaint alleging discrimination and retaliation and denying reconsideration. We grant the Appellee's motion, dismiss the appeal in part for lack of jurisdiction because the notice of appeal was not timely filed, and affirm the district court's order denying reconsideration.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." Bowles v. Russell, 551 U.S. 205, 214 (2007).

The district court's order was entered on the docket on December 13, 2011. The notice of appeal was filed on February 8, 2012. Because Tran failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant the Appellee's motion to dismiss the appeal of the district court's order dismissing the complaint.*

* Tran's motion for reconsideration, filed on February 2, 2012, was not within the period for filing a motion pursuant to Fed. R. Civ. P. 59(e) or within twenty-eight days of the entry of judgment and, therefore, the motion did not extend the appeal period. See Fed. R. App. P. 4(a)(4)(A)(v)-(vi).

We further affirm the district court's order denying reconsideration and deny Tran's motion for justice. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART;
DISMISSED IN PART